

1 AARON D. FORD
2 Attorney General
3 PETER E. DUNKLEY, Bar No. 11110
4 Deputy Attorney General
5 State of Nevada
6 Public Safety Division
7 100 N. Carson Street
Carson City, NV 89701-4717
Tel: (775) 684-1259
E-mail: pdunkley@ag.nv.gov

6
7 *Attorneys for Defendants*
Stephen Powers and Harold Wickham

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 KEITH A. WARREN,
11 Plaintiff,
12 vs.
13 NEVADA DEPARTMENT OF
CORRECTIONS, et al.,
14 Defendants.

15 Case No. 3:17-cv-00228-MMD-WGC

**MOTION FOR EXTENSION OF TIME TO
RESPOND TO REQUEST FOR ADMISSIONS**

16 Defendants, Stephen Powers and Harold Wickham, by and through counsel, Aaron D. Ford,
17 Nevada Attorney General, and Peter E. Dunkley, hereby submit this Motion for Extension of Time to
18 Serve Discovery Responses to Plaintiff's Request for Admissions, set one, (First Request). This
19 Motion is based on Federal Rule of Civil Procedure 6(b)(1)(A), the following Memorandum of Points
20 and Authorities, and all papers and pleadings on file in this action.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **I. ARGUMENT**

23 Defendants respectfully requests a twenty-one (21) day extension of time out from the current
24 deadline of September 30, 2019, to serve responses to Plaintiff's Request for Admissions. Federal Rule
25 of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

26 When an act may or must be done within a specified time, the court may, for
27 good cause, extend the time: (A) with or without motion or notice if the court
acts, or if a request is made, before the original time or its extension expires; or
28 (B) on motion made after the time has expired if the party failed to act because of
excusable neglect.

In this case, there is a motion for leave to amend the operative complaint which is currently pending before the Court. (See ECF Nos. 32, 33, 34.) Accordingly, a short delay in discovery responses will not prejudice the Plaintiff from prosecuting his claims, which may be dependent on the Court's Order on the proposed amended complaint.

Defendants' request is timely and its nature will not hinder or prejudice Plaintiff's case, but will allow for accurate responses to Plaintiff's discovery requests. Counsel for Defendant has been working with Mr. Wickam's office in order to obtain responses from Mr. Wickham. Our efforts are ongoing and we expect to have responses within the next 21 days, which will allow Defendant adequate time to respond to the discovery and serve the responses.

The requested twenty-one (21) day extension of time should permit Defendant time to adequately research and respond to Plaintiff's discovery requests. Defendant asserts that the requisite good cause is present in light of the pending motion to amend, which would warrant the requested extension of time.

For these reasons, Defendant respectfully requests a twenty-one (21) day extension of time from the current deadline to serve responses to the request for admissions in this case, with a new deadline up to and including Monday, October 21, 2019.

DATED this 30th day of September, 2019.

AARON D. FORD
Attorney General

By: /s/ Peter E. Dunkley
PETER E. DUNKLEY, Bar No. 11110
Deputy Attorney General
Attorneys for Defendants

IT IS SO ORDERED

DATED: October 1, 2019

Walter G. Cobb

UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada and that on this 30th day of September, 2019, I caused a copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO RESPOND TO REQUEST FOR ADMISSIONS**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

Keith Warren, #23562
c/o LCC Law Librarian
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419
lcclawlibrary@doc.nv.gov

/s/ Caitie Collins
An employee of the
Office of the Attorney General